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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSIAH D. JURICH,

Defendant.

Case No. 21-CR-106-SWS

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**MOTION TO AMEND ORDER FOR COMPETENCY EVALUATION**

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Defendant Josiah D. Jurich, through his attorney, Assistant Federal Public Defender Jordan Deckenbach, moves this Court to amend the Order for Competency Evaluation (ECF No. 26.) In the event that this Court denies Mr. Jurich's pending Motion for Revocation of the Detention Order (ECF No. 25.) and proceeds with the Order for Competency Evaluation to be executed while Mr. Jurich is in-custody, Mr. Jurich asks that in the alternative he be held in Wyoming and appointed Dr. Charles A. Morgan, III, M.D., M.A. to perform the psychiatric/psychological examination.

Mr. Jurich was arrested under a warrant issued on September 13, 2021. (ECF No. 11.) Mr. Jurich made his initial appearance before the court on September

14, 2021. The court established September 17, 2021 at 10:00 a.m. as the date for Mr. Jurich's arraignment and detention hearing. (ECF No. 9.) Upon defense motion, the Court continued the detention hearing until September 24, 2021 in order to permit the undersigned counsel to explore a potential release plan. (EFC No. 14). Mr. Jurich was subsequently indicted, and the Government filed a Motion for Detention. (ECF No. 17 & 20).

At the contested detention hearing on September 24, 2021, the Government asked that the Court hold Mr. Jurich in-custody so that a competency evaluation could be performed by the Bureau of Prisons (BOP). The Court found that pursuant to 18 U.S.C. § 4241(a), reasonable cause exists to believe Mr. Jurich may be suffering from a mental disease or defect rendering him mentally incompetent to stand trial to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The Court further found that, pursuant to 18 U.S.C. §§ 4241(b), 4242, and 4247(b), a psychiatric/psychological examination of the defendant by a licensed or certified psychiatrist or psychologist is warranted to help determine whether the Defendant is presently mentally competent to stand trial and entered its Order for a Competency Evaluation (ECF No. 26.) The Court ordered that Mr. Jurich be committed to the custody of the Attorney General to be promptly transferred by the Bureau of Prisons to a suitable federal facility for a reasonable period, not to exceed 30 days from that date of arrival at the facility, for a psychiatric/psychological

examination to determine whether the defendant is presently mentally competent to stand trial.

On September 24, 2021 Defendant filed his Motion for Revocation of the Order for Detention (ECF No. 28.) At this time, there is no order entered or hearing scheduled on this motion. In the interim however, in the event that this court denies Mr. Jurich's Motion for Revocation of the Detention Order (ECF No. 25.) and holds that the Order for Competency Evaluation is appropriate, Mr. Jurich asks that he be held in Wyoming and that the court appoint Dr. Charles A. Morgan, III, M.D., M.A. to perform the psychiatric/psychological examination. (Ex. A – Dr. Charles A. Morgan's *Curriculum vitae*). Dr. Morgan is a Board Certified Psychiatrist (Diplomate of the American Board of Psychiatry & Neurology) and a Forensic Psychiatrist. He is currently a faculty member of the Yale School of Medicine (Department of Psychiatry) and a Professor in the Henry C. Lee College of Criminal Justice & Forensic Sciences, University of New Haven, Connecticut. Dr. Morgan is an internationally recognized expert in Psychiatry/Forensic Psychiatry and Neuroscience specializing in PTSD. Dr. Morgan is a nationally recognized forensic psychiatrist with over 25 years of experience in mental health with extensive expertise in post-traumatic stress disorder (PTSD) and operational psychiatry. The undersigned counsel has spoken with Dr. Morgan and he is available to conduct a competency exam as soon as mid-November.

Mr. Jurich is a combat veteran who was the victim of an Improvised Explosive Device while serving in Iraq. Among other injuries, this incident also

resulted in a traumatic brain injury (TBI) and severe post-traumatic stress disorder (PTS), two conditions that have greatly impacted his mental health. It is undisputed that Mr. Jurich is in need of mental health treatment. The Government has represented to counsel that it seeks to see Mr. Jurich get care for his mental health and is not seeking a lengthy term of incarceration if a conviction were to occur. Although the court has ordered that the examination be performed within 30 days from that date of his arrival at the BOP facility, the average time period for a Defendant to return from a competency examination is no less than 4 months. Mr. Jurich is medically retired and has a 100% VA disability rating. He receives \$4300 a month for his disability. An extended lengthy period of incarceration as he awaits an evaluation by the BOP will only result in him losing his disability income and delaying his needed treatment. Appointing Dr. Morgan to facilitate the examination of Mr. Jurich will not only expedite the process but will allow Mr. Jurich to remain in Wyoming near his attorney, as well as near a community of veteran support that is ready to help Mr. Jurich seek treatment at the VA in Sheridan, Wyoming. The undersigned counsel spoke with AUSA Michael Elmore and he indicated the Government has no position on this motion in the alternative.

Accordingly, Mr. Jurich requests that, in the event that this court denies Mr. Jurich's Motion for Revocation of the Detention Order and holds the Order for Competency Evaluation appropriate, Mr. Jurich be held in Wyoming and appointed Dr. Charles A. Morgan, III, M.D., M.A. to perform the psychiatric/psychological examination.

DATED this 29th day of September 2021.

Respectfully submitted,

VIRGINIA L. GRADY  
Federal Public Defender

/s/ Jordan Deckenbach  
Jordan Deckenbach  
Assistant Federal Public Defender

**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2021 the foregoing was electronically filed and consequently served on counsel of record.

/s/ Jordan Deckenbach  
Jordan Deckenbach